

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FIKRI BAYRAMOGLU, No C-09-4648 VRW (PR)
Petitioner,
v ORDER OF DISMISSAL
J D HARTLEY, Warden
Respondent. (Doc #21)

Pro se petitioner Fikri Bayramoglu, a state prisoner currently incarcerated at Chuckawalla Valley State Prison in Blythe, California, again seeks a writ of habeas corpus under 28 USC § 2254 in the form of a transfer to Turkey to serve the remainder of his state sentence pursuant to the US-Turkey Prisoner Transfer Treaty. Doc #1. Petitioner raised the same claim in a prior petition, which the court denied on the merits on the ground that California is not a party to the US-Turkey Treaty and therefore is not required to transfer him to Turkey. See Bayramoglu v Hamlet, No C 02-2553 VRW (PR) (ND Cal Feb 28, 2003).

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1 A second or successive petition may not be filed in the
2 district court unless the petitioner first obtains from the
3 appropriate federal court of appeals an order authorizing the
4 district court to consider the petition. 28 USC § 2244(b)(3)(A).
5 Petitioner has not obtained an order from the Ninth Circuit
6 authorizing this court to consider his current petition.
7 Accordingly, the petition is DISMISSED without prejudice subject to
8 refiling if petitioner obtains the necessary order.

9 The clerk shall terminate any pending motions as moot and
10 close the file.

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13 IT IS SO ORDERED.

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17 VAUGHN R WALKER
18 United States District Chief Judge
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